

**From:** Brad Nelson  
**To:** Kari Preston  
**Sent:** 6/7/2016 7:49:06 PM  
**Subject:** RE: questionable prescribing

Kari

Here are the best practice we recommend. It sounds like the team is already doing these things.

COMPLIANCE RIGHT WAY EVERY DAY  
REFUSAL TO FILL.

Pharmacists are granted the ability to exercise their professional judgment and choose to refuse to fill any prescription if they feel the prescription was written for other than a legitimate medical purpose. You and your staff are encouraged to review POMs 203, 1311, 1316, 1317, 1319 and 1703. Even after the Pharmacist established that there is a Dr/Patient relationship, the Pharmacist is still allowed to refuse to fill a prescription on an individual prescription basis, no blanket refusals are allowed by the Boards of Pharmacy. Key points:

- When any of the pharmacists on your team decides to not fill a prescription, then the requirements of POM 1703 apply and a refusal to fill or fraudulent activity webform is required to be submitted for each refusal.
- Once a pharmacist submits the refusal to fill or fraudulent activity webform, the information is then sent to the practice compliance team.
- If a pharmacist dispenses a prescription and subsequently learns (i.e. from law enforcement, a prescriber, another pharmacy or other sources) that the prescription was forged or altered, the pharmacist is still required to fill out the refusal to fill or fraudulent activity webform and follow the steps outlined in POM 1703.
- The documentation of these refusals is to provide details of the incident for the purposes of supporting the Pharmacists in their decision should any complaint be filed by a prescriber or patient with the Medical Board or Board of Pharmacy.

Unfortunately there are many prescribers that write for large quantities of controlled substances, however, this does not mean that you as a professional are required to fill these prescriptions. We encourage and support each Pharmacist in exercising his/her professional judgment, we simply ask that you follow the policies and procedures outlined in the Pharmacy operations manual to protect you and the company from false claims of discrimination from the Prescriber or the patient. We appreciate your concerns and understand the impact to your practice.

If you have any questions or concerns please feel free to contact Health and Wellness Practice Compliance: (479) 204-8014.

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Health and Wellness Practice Compliance  
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Walmart \* Compliance  
The Right Way- Every Day!  
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Save Money, Live Better.

Pharmacy Practice Compliance

is committed to ensuring compliance  
with regulatory agency laws and  
regulations applicable to the practice  
of pharmacy, the Right Way, Every Day! \*

-----Original Message-----

From: Kari Preston  
Sent: Tuesday, June 07, 2016 1:46 PM

PLAINTIFFS TRIAL  
EXHIBIT

**P-26732\_00001**

HIGHLY CONFIDENTIAL

WMT\_MDL\_000962344

P-26732\_00001

Hi Brad

Most of my stores have brought to my attention the prescribing habits of the below physician. It's not just one store, but most of them in my market. We are filling out the refusal to fill forms and not issuing any blanket refusals. I just wanted to reach out to you to see if there is anything else we should be doing or if you need any more information. With all the discussion around the DEA and prescribing/dispensing of CSA, our pharmacists are on edge about him and his patients. Thanks

Kari Preston Market Health & Wellness Director. Market 568  
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-----Original Message-----

From: Deborah Jenkins - DJENKIN.s01547  
Sent: Tuesday, June 07, 2016 9:17 AM  
To: Kari Preston; Amanda Muinzer - AMUINZE.s01547; Charity Knoy - clknoy.s01547; Lori Bokenyi - LABOKEN.s01547; Melissa Herchenroeder - MLHERCH.s01547; Trent Butler - trbutle.s01547  
Subject: questionable prescribing

Kari - we have come across the following in the last few months

Dr Philip Berent - child and adolescent psychiatry  
2604 Dempster Street Suite 306 Park Ridge IL  
Cell 847-687-5903 on prescription pad  
email philip.berentmd@gmail.com on prescription pad  
AB3903223 (also on file XB 3903223, FB550336)  
licenses in AZ, IL, IN, WI, NY  
phone 847-687-5903  
cash pay only - many followed from Attica area to "office" in IL  
write for XANAX 2mg #120, Oxycodone 30mg #210, Adderall 30mg #90, Oxycontin 30mg  
patients cash pay then RX insurance  
website says

Gives patient cell phone numbers and prefers texting for its most rapid response. Available by email and does tele-psychiatry via skype. He goes on to say he has chosen to be an out of network doctor and does not accept insurance. Having a cash based practice gives him the flexibility and freedom to tailor a treatment plan that best serves each of his patients